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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,414	09/28/2001	Srinivas Gutta	US010451	4362

24737	7590	09/22/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/966,414	GUTTA ET AL.
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-11* is/are rejected.
7) ☒ Claim(s) *7* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *28 September 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/28/2003, 2/21/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim Objections

1.   Claim 7 is objected to because of the following informalities: Claim 6 is a method

claim which is drawn to itself instead of an independent claim. For examination

purposes, the examiner will examine the claim as though it was dependant on claim 5

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 5,790,935 to Payton.

Regarding claim 1, Payton discloses a method of modifying a first user's user

profile for a data-class recommender (figure 6-7b), comprising the steps of:

receiving feedback from a first user scoring examples falling into various data-

classes (column 6, lines 20-59, user rates offerings on a scale from 1-10 or comments

on the item);

refining said first user's user profile responsively to a said feedback (column 5, lines 6-20, column 6, lines 51-55, column 8, lines 37-column 9, line 13)

modifying said first user's user profile responsively to data from a second user's user profile (recommendations from a second similar user, column 9, lines 4-26); said step of modifying including modifying such that a frequency of recommendations of at least one data-class is increased without decreasing a frequency recommendations of any other data-classes (column 9, lines 4-26, the combined scores are used to recommend programming, figure 7b, steps 166-172) whereby said first user's user profile is expanded in scope according to preferences stored in said second user's user profile (the combination of ratings expands the scope of the user preferences, steps 166-170, column 9, lines 4-13, 49-56).

Regarding claim 2, Payton discloses that the first user's profile includes a specialized target description of favored data classes (user ratings of programs with a higher score, column 6, lines 36-40), and said step of modifying includes generalizing said specialized target description such that it encompasses at least one specialized target description of said second user's user profile (column 9, lines 4-26, the system utilizes predictions between the first user and a second user which is similar to the first user to formulate the recommendations to the user).

Regarding claim 3, Payton discloses that the step of modifying includes substituting at least a union of specialized descriptions between the first and second

user's profiles for the specialized description of the first user's user profile (column 9,

lines 4-18, the subscribers profile is recomputed by taking into account a second user's

ratings).

Regarding claim 4, Payton discloses that the step of generalizing includes

substituting at least a union of specialized descriptions between the first and second

user's profiles for the specialized description of the first user's user profile (column 9,

lines 4-18, the subscribers profile is recomputed by taking into account a second user's

ratings).

Regarding claim 5, Payton discloses a method (figures 6-7b) of modifying a first

user's user profile for a data-class recommender, comprising the steps of:

receiving feedback from a first user scoring examples falling into various data-

classes (column 6, lines 20-59, user rates offerings on a scale from 1-10 or comments

on the item);;

refining said first user's user profile responsively to a said feedback (column 5,

lines 6-20, column 6, lines 51-55, column 8, lines 37-column 9, line 13);

selecting test-data for revising said first user's user profile responsively to data

from at least a second user's user profile (column 9, lines 4-26, the combined scores

are used to recommend programming, figure 7b, steps 166-172);

requesting feedback on said test-data from said first user and modifying said first

user's user profile responsively to said feedback (the combination of ratings expands

the scope of the user preferences, figure 7b, steps 166-170, column 9, lines 4-13, 49-
56).

Regarding claim 6, Payton discloses that the step of selecting includes selecting
only test-data which feedback incorporated in said first user's profile increases a
discriminating power of said first users user profile (column 9, lines 49-61, as a user
rates more programs the user's tastes and interests are more accurately profiled and
allow for other subscribers with similar tastes to be matched up with them).

Regarding claim 7,Payton discloses that the selecting step includes selecting
primarily test data for which said first user's user profile is insufficient for said
recommender to determine whether said test-data would be favored or disfavored
(column 9, lines 14-48, both users must have rated the same set of items, however the
weighting applied to the prediction is inversely proportional to the dissimilarity of the
rating, thus the data is insufficient to determine if the test data would be favored or
favored due to the low weighting).

Regarding claim 8, Payton discloses that the selecting step includes filtering
through a number of data choices through a set of ratings and weights for the different
types of programming, by conducting a similarity comparison (column 9, lines 14-48).

Regarding claim 9, Payton discloses a data-class recommender, comprising:

a learning engine 54 (prediction filter 54, column 6, lines 1-6, column 7, line 61-
column 8, line 10);

a user interface device 32 connectable to said learning engine 54 (column 6,
lines 20-42, column 8, lines 37-45);

said learning engine 54 being connectable to a data source 28 containing
descriptions of data selections (column 6, lines 1-11, 20-28);

said learning engine being programmed to receive through said user interface,
feedback from a first user evaluating said data selections and to progressively generate
a description of data selections that are favored and disfavored by said first user,
thereby generating a first user profile (column 6, lines 26-44,user inputs ratings for each
offering and rates them from 1-10 to indicate like and dislike);

said learning engine being further programmed to generate recommendations of
data selections for said first user responsively to said first user profile (column 8, line
59-column 9, line 3);

said learning engine being further programmed to selectively generate
recommendations of data selections for said first user responsively to said first user
profile and at least a second user profile of a second user (column 9, line 4-26).

Regarding claim 10, Payton discloses that the learning engine is programmed
such that said first user profile includes a narrow description defining target data
selections (programs with a higher rating) and a broad description defining non-target
data selections (lower ratings), the recommendations being derived from a space for

selections lying between said broad and narrow descriptions (predictions may be made via a weight average of similarity between two profiles, column 9, lines 14-48).

Regarding claim 11, Payton discloses that the learning engine is programmed such that said first user profile includes a narrow description defining target data selections (programs with a higher rating) and said learning engine is further programmed to compare a level of narrowness in said narrow description to a threshold that said first user profile results in recommendations embracing a range of target data that is narrower than said threshold (column 9, lines 14-22, the learning engine determines a threshold for similarity and dissimilarity in order to make its recommendations) and said learning engine is further programmed to selectively generate recommendations of data selections for said first user responsively to said first user profile and said at least a second user profile responsively to a result of so-comparing said level with said threshold (column 9, lines 14-22, the learning engine makes its predictions/recommendations by considering profiles from other users within the threshold).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,530,083 to Liebenow: System for Personalized Settings.

U.S. Patent 5,223,924 to Strubbe: System and Method for Automatically Correlating User Preferences with a T.V. Program Information Database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

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